

Last Will and Testament of

FILED IN CIRCUIT COURT
OF LIVINGSTON COUNTY, ILLINOIS

MAR 10 1986

John Williams
CLERK

J. PAUL YOST

I, J. PAUL YOST, of the City of Pontiac, Livingston County, Illinois, being of sound mind and memory, and considering the uncertainty of life, do therefore make, ordain, publish and declare this to be my Last Will and Testament, hereby revoking any and all other Wills heretofore made by me.

ARTICLE I

My executor hereinafter herein named shall, in the due course of administration of my estate, pay all of my lawful debts and funeral expenses as conveniently as may be.

ARTICLE II

I make the following bequests:

1. To the State of West Virginia, to be by it retained and preserved as the J. Paul Yost Memorial Park and Wildlife Sanctuary, all surface real estate, or any interest therein, me owned and situated in Paw Paw District, Marion County, West Virginia, and as a condition to the receipt of said devise the State of West Virginia shall covenant and agree with the personal representative of my estate in writing to restore and maintain and provide perpetual care for both the graves and the cemetery itself in which there are situated the graves of my great grandfather, David Youst, and great grandmother, Rebecca Fluaharty Youst, which cemetery is situated at the top of the hill, which is a part of said real estate so devised to the State of West Virginia, and the cost of such perpetual care shall be borne exclusively by the State of West Virginia.

2. To WESLEY METHODIST CHURCH, Fairview, West Virginia, all mineral, gas and oil rights of which I may own at the time of my death, and situated in Marion County, West Virginia, as well as rights heretofore reserved by me in the sale of farmland in Mitchell County, Kansas, and all accounts at Bank of Wadestown, Fairview, West Virginia.

3. As to any and all real estate of which I am either the sole owner or in which I have an interest, which is situated in and forms a part or portion of Block 65 of the Original Town, now City of Pontiac, Livingston County, Illinois, and the

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home adjacent to said property to the east and known as 230 W. Water St., Pontiac, Illinois, I give and devise the same to the City of Pontiac, Illinois, to be by it used as a museum, and it is my request and suggestion to said City of Pontiac that said real estate be employed as a center for the non-performing arts in and for the City of Pontiac, and said museum shall be known as the Catharine V. Yost Art Gallery and Museum, and there shall be no liquor served, used, sold, distributed or consumed on any premises owned by me.

4. To the City of Pontiac, Illinois, a municipal corporation, all antique furniture which may be present at the time of my death in the residence now occupied by me, not otherwise specifically in this Will bequeathed, including but not limited to one certain antique melodeon and the following described items of tangible personal property which do not fall within the category of antique furniture, viz: my grandmother Hartshorn's wedding trousseau gown of 1859; one certain brown silk dress and accompanying cameo coral jewelry set; my mother's green silk and tan broadcloth wedding dress, being two in number; two certain Bohemian glass vases, red overlayed with white and gold from Tiffany's of New York; and all paintings done by my late sister, Catharine V. Yost; and all dishes, silver and other personal effects. The items of personal property bequeathed in this paragraph shall not be sold and shall remain in my residence.

5. Money bequests as follows to:

a. THE FIRST UNITED PRESBYTERIAN CHURCH OF PONTIAC, ILLINOIS, \$3,000.00, to be by it invested in such securities as shall be at all times construed as prudent man's investments, and the income therefrom to be by said church annually paid to Association of Presbyterian Women of said church for "World Service";

b. THE AMERICAN BIBLE SOCIETY, 1865 Broadway, New York, NY, \$1,000.00, to be a memorial to my grandfather, the late Reverend T. C. Hartshorn, D.D., who for many years was employed by said Society as a Field Secretary and solicitor for funds, and said Society shall recognize that the donors of said bequest consist of myself and my two late sisters, Hellene and Catharine Yost;

c. THE CITY OF PONTIAC, ILLINOIS, a municipal corporation, \$500.00, to be by it paid into the Cemetery Fund, and the income therefrom to be annually expended as perpetual care of the Yost-Hartshorn lots, and at no time shall said money or the income therefrom be transferred to any other city fund.

FILED IN CIRCUIT COURT
OF LIVINGSTON COUNTY, ILLINOIS

MAR 10 1980

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88P44

d. THE SALVATION ARMY, \$2,000.00, and I place upon such bequest the absolute limitation that the same shall be used exclusively for the benefit of the citizenry of Pontiac, Illinois, and not elsewhere.

e. RANDOLPH-MACON WOMEN'S COLLEGE of Lynchburg, Virginia, \$4,000.00, and \$2,000.00 thereof shall be earmarked for the exclusive use of the "Greek Department", for the production of plays in the Greek language, in memory of my sister, Hellene, and the remaining \$2,000.00 to the Alumni Association of said college, and when said gift becomes a reality said college shall appropriately recognize and record the fact that of said \$4,000.00 cy, \$2,000.00 represents a donation made for the benefit of my sister Hellene st, and the remaining \$2,000.00, one-half thereof or \$1,000.00, is a gift made for the benefit of my sister Hellene Yost, for said Alumni Association, and the remaining \$1,000.00 is a gift made for the benefit of my sister Catharine Yost for said Alumni Association.

f. PONTIAC PUBLIC LIBRARY of Pontiac, Illinois, \$2,000.00, and with said sum to be by the Governing Board of said Library invested in such securities as it may deem prudent, and with 50% of the annual income therefrom to be employed to purchase books limited to the fields of science and literature, and with said 50% of said funds to be known as the Z. F. YOST MEMORIAL FUND, in memory of my father, Z. F. Yost, and with the remaining 50% of such annual income to be employed to purchase books, limited to the fields of drama and fine arts, with such portion to be known as the J. PAUL YOST MEMORIAL FUND.

g. WESLEY METHODIST CHURCH of Fairview, West Virginia, \$5,000.00.

h. UNIVERSITY OF CHICAGO, Chicago, Illinois, \$1,000.00, to be earmarked for the exclusive use of the Alumni Association, and it to be recognized that this is a gift from me and that I was a member of the graduating class of said University of the year 1920.

i. My cousin, GUERIN E. JOHNSTON, now of Fairmont, West Virginia, \$1,000.00.

j. My friend, ROSE H. CLEAVES, now of 75 Evelyn Avenue, Amsterdam, New York 12010, \$1,000.00.

k. PONTIAC PUBLIC LIBRARY, of Pontiac, Illinois, \$5,000.00, to be used as it may determine.

l. EVENGLOW LODGE, of Pontiac, Illinois, \$1,000.00.

FILED IN CIRCUIT COURT
OF LIVINGSTON COUNTY, ILL.

MAR 10 1948

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98P44

- m. My friend, JAMES STEINSULTZ, 230 W. Water St., Pontiac, Illinois, \$1,000.00.
- n. My friend, EDWARD M. MYERS, of Pontiac, Illinois, \$500.00.
- o. My friend, MARGARET RIPSCH, of Pontiac, Illinois, \$1,000.00.
- p. My friend, CHARLES FOLLMER, of RFD, Pontiac, Illinois, \$2,000.00.
- q. My friend, HAROLD TODD, RFD, Fairbury, Illinois, \$2,000.00.
- r. My cousin, MARTHA ROBINSON, of Alexandria, Virginia, \$1,000.00.
- s. My friend, DONALD PYLES, of Fairview, West Virginia, \$1,000.00.
- t. My friend, DR. JOHN C. PURNELL, 10 Manor Dr., Pontiac, Illinois, \$5,000.00.
- u. My cousin, GEORGE YOST, of Fairmont, West Virginia, \$5,000.00.
- v. My friend, ROBERT SEAR, of Pontiac, Illinois, \$1,500.00.

w. THE FIRST UNITED PRESBYTERIAN CHURCH, of Pontiac, Illinois, \$10,000.00, to be invested and administered upon by the Governing Board of said church, and the annual income therefrom shall be expended in accordance with its budget, and said income shall never be used for any purpose other than benevolences and general expenses.

x. THE SISTERS OF THE THIRD ORDER OF ST. FRANCIS, Peoria, Illinois, for the use and benefit of St. James Hospital, Pontiac, Illinois, \$10,000.00, with appropriate recognition to be given by said St. James Hospital on its permanent plaque or otherwise that this gift is from me and my two sisters as aforesaid.

y. LIVINGSTON COUNTY HISTORICAL SOCIETY, Pontiac, Illinois, \$2,500.00.

z. ST. JOHN'S METHODIST CHURCH OF BASNETTVILLE (Fairview) West Virginia, \$500.00, to be earmarked as a fund for the perpetual care of the Dr. Fielding H. Youst plot and graves in the Basnettvile Cemetery Fund, said sum to be invested and the income therefrom annually used for such perpetual care.

z-1. WEST VIRGINIA UNIVERSITY, COLLEGE OF LAW, located at Morgantown, West Virginia, in memory of my father, Z. F. Yost, a member of the 1886 graduating class of said university, \$1,000.00.

z-2 PONTIAC ELKS LODGE #1019, \$2,500.00, to be used by the committee of the Elks for scholarship purposes to needy students.

z-3 My friend, JOE MESSNER, RR 5, Box 661, Ottawa, Ontario, Canada, \$1,000.00.

The source of payment of the above money legacies shall be my farm real estate, and these legacies shall be paid from the income generated by such farms, and until

**FILED IN CIRCUIT COURT
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MAR 10 1980

John H. Yost
CLERK

such legacies are paid my estate shall not be closed and my executor discharged, and these legacies shall draw no interest, and in the event annually there is not sufficient income to pay in full the legacies, the executor shall prorate the net income from said farm real estate to the legatees.

6. Items of tangible personal property as follows, to:

RANDOLPH-MACON WOMEN'S COLLEGE of Lynchburg, Virginia, all Greek and Latin books in my residence at 298 W. Water St., Pontiac, Illinois, remaining at my death.

ARTICLE III

I bequeath and devise all of the remainder and residue of my estate, both real and personal, or mixed, and wherever situated, unto FARADAY J. STROCK, DR. JOHN C. PURNELL, MARY CATHERINE DIEVENDORF, ROBERT SEAR and RONALD K. FELLHEIMER, all of Pontiac, Illinois, in trust, to be known as the J. PAUL YOST TRUST, for the uses and purposes set forth, to-wit:

Said trustees shall apply the net income of the said residue of my estate for the use and benefit of the inhabitants of the City of Pontiac, Illinois, for educational and charitable purposes.

Said trustees shall have full power and authority to lease such farm real estate to such persons and for such terms as they may determine, and with full power and authority to make repairs and improvements and perform all the acts which any landlord of farm real estate performs, and in the event they deem it advisable they shall have the power to sell the corpus or any portion of corpus, and in the event they exercise the power of sale the proceeds shall be reinvested either in farmland or such securities as they deem judicious, and the income generated by this trust shall be employed by the trustees for the following charitable and educational purposes: 15% of the net income shall be used by THE FIRST UNITED PRESBYTERIAN CHURCH of Pontiac, Illinois, and the trustees shall purchase for said church stained glass windows; 15% of the net income shall be used by PONTIAC PUBLIC LIBRARY; the remaining 70% shall be used by the Trustees for programs confined to the City of Pontiac, such programs to be the Vermillion players or a similar type program, and it is my desire, and I realize that this

FILED IN CIRCUIT COURT
OF LIVINGSTON COUNTY, ILLINOIS

MAR 10 1988

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James H. Hines
CLERK

J.P.Y. 88P44

is a precatory wish; that such programs be for the building or construction of a facility for the performing arts, such as the Vermillion Players, or for seating, air conditioning or the like, and the Trustees are hereby empowered to use the income of said trust for the benefit of the citizens of Pontiac, Illinois, for other educational or charitable purpose; for the extension, improvement or endowment of libraries and other institutions of an educational nature, for the improving, beautifying and equipping of parks and playgrounds, and for the erection of monuments and memorials, or for the purchase, erection, establishment of maintenance of institutions for the care of delinquent, dependent or neglected children. If they see fit my trustees may use a portion of the income from the trust estate for the purpose of establishing scholarships in such college or colleges as they may select, for the benefit and use of worthy young men and women of the City of Pontiac, my trustees to judge the worthiness of each applicant.

In the event of the death, resignation, refusal to act or disability of any of said trustees, or any vacancy occurring from any other cause, I authorize the surviving trustee or trustees to appoint a successor or successors to said trustee or trustees so dying, resigning, refusing to act or becoming incapacitated, and in the event that only one trustee survives, said survivor shall have the power to fill all vacancies occurring as aforesaid.

I further provide that in the event of the failure of said surviving trustee or trustees to appoint such successor or successors within six months of the occurrence of said vacancy or vacancies, then each of said surviving trustees shall have the right to nominate one person for each vacancy, and said surviving trustee or trustees shall submit a list of said nominations to the Judge of the Circuit Court of Livingston County, Illinois, who shall name a successor or successors to fill such vacancy or vacancies from the list of nominations. I further provide that until the appointment and qualification of said successor or successors, said surviving trustee or trustees shall have full power to administer said trust; if any of the trustees herein named or any of their successors shall permanently remove his or her place of residence from the County of Livingston, he or she shall thereupon cease to be one of said trustees and a vacancy shall be deemed to exist

FILED IN CIRCUIT COURT
OF LIVINGSTON COUNTY, ILLINOIS

MAR 10 1988

James H. Williams
CLERK

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L. L.

J. P. Y.

88P44

and such vacancy shall be filled in the manner aforesaid; each and every successor nominated or appointed to fill any vacancy shall have been a resident of the City of Pontiac and County of Livingston for a period of five years prior to the date of his or her appointment as such successor. Upon the filling of any vacancy or vacancies thus occurring the incumbent trustees shall file with the Recorder of Deeds of Livingston County, Illinois, a certificate signed by them, attesting the appointment of such successor or successors.

I have carefully selected the trustees and I have confidence in their abilities, and therefore I give them wide discretionary power in the use of the income from said trust estate, and submit the management of said trust estate to their joint care, and I further provide that if any provisions in regard to said charitable purposes are not sufficiently specific as to objects and the manner of the application thereof, the selection of said objects and the manner of the application thereof shall be left to the discretion of my trustees and their successors in trust. It is my earnest wish and desire that nothing shall defeat the application of said trust fund to charitable and educational purposes, and if the application of said trust fund in the manner above specified shall, in the judgment of my trustees, become impracticable, inexpedient or not feasible, then I empower my said trustees to select some other charitable object like or similar to the objects I have above enumerated; and if my said trustees shall deem it expedient to form a corporation or corporations for the carrying out of the several objects above mentioned they may do so.

I hereby direct that my said trustees shall receive a reasonable compensation for their services as such trustees, to be fixed annually by the Circuit Court of Livingston County, Illinois, and they shall have the right to pay all necessary clerical help and other expenses from the income from said estate. I feel that my trustees should be men and women who are public spirited and willing to give of their time for the benefit of the public, and therefore, while it is my desire that their compensation shall be reasonable, yet I do not wish it to be so large as to cause anyone to desire to be a trustee for the mere money compensation which said position will give him or her. I leave the matter of the compensation of my executor to be fixed by the Circuit Court, Probate Division, Livingston County, Illinois.

FILED IN CIRCUIT COURT
OF LIVINGSTON COUNTY, ILLINOIS

MAR 10 1988

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88P44

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ARTICLE IV

I hereby and herein nominate, designate and appoint as Executor hereunder THE PONTIAC NATIONAL BANK, a national banking association of Pontiac, Illinois, and as such executor it shall have full power and authority in the premises, and I hereby revoke any and all former Wills by me made.

IN WITNESS WHEREOF, I have hereto subscribed my name this 24th day of January, 1984,

J. Paul Yost (SEAL)
J. Paul Yost

We certify that in our presence on the date appearing above J. Paul Yost signed the foregoing instrument and acknowledged it to be his Will, that at his request and in his presence and in the presence of each other we have signed our names below as witnesses, and that we believe him to be of sound mind and memory.

Margaret Nelson residing at Pontiac, Ill
Rita Swiggy residing at Chenoa, Ill
_____ residing at _____

STATE OF ILLINOIS :
: SS.
LIVINGSTON COUNTY :

AFFIDAVIT OF ATTESTING WITNESSES

We and each of us being the attesting witnesses to the Will of J. Paul Yost, and being first duly sworn, on oath depose and say that each of us was present and saw said testator sign said Will in our presence, and that said Will was attested by each of us in his presence, and that each of us at that time believed him to be of sound and disposing mind and memory at the time he signed the Will, and that he was under no undue influence.

Margaret Nelson
Rita Swiggy

Signed and sworn to before me
on January 24, 1984.

Barbara S. Tiffany
Notary Public

FILED IN CIRCUIT COURT
OF LIVINGSTON COUNTY, ILLINOIS

MAR 10 1980

John H. Brown
CLERK

88P44

CODICIL

I, J. PAUL YOST, of Pontiac, Illinois, make this codicil to my Will dated January 24, 1984:

I delete paragraphs m through v of Article II of that Will and in lieu thereof make the following bequests:

- m. My friend, JAMES STEINSULTZ, 230 W. Water St., Pontiac, Illinois, \$2,500.00.
- n. My friend, EDWARD M. MYERS, of Pontiac, Illinois \$1,500.00.
- o. My friend, MARGARET RIPSCH, of Pontiac, Illinois, \$1,000.00.
- p. My friend, VIRGINIA VOTTI, of Pontiac, Illinois, \$1,000.00.
- q. My friends, JOHN TAYLOR and CAROL TAYLOR, of Pontiac, Illinois, \$1,500.00.
- r. My friend, HAROLD TODD, RFD, Fairbury, Illinois, \$2,000.00.
- s. My friend, DONALD PYLES, of Fairview, West Virginia, \$1,500.00.
- t. My friends, DR. JOHN C. PURNELL and HELGA PURNELL, of Pontiac, IL, \$10,000.00.
- u. My cousin, GEORGE YOST, of Fairmont, West Virginia, \$5,000.00
- v. My friend, ROBERT SEAR, of Pontiac, Illinois, \$5,000.00.

In all other respects, I confirm and republish my Will dated January 24, 1984.

IN WITNESS WHEREOF I have signed this codicil this 29th day of June, 1987.

J. Paul Yost (SEAL)
J. Paul Yost

We certify that the above instrument was on the date thereof signed and declared by J. Paul Yost as a codicil to his Will dated January 24, 1984, in our presence and that we, at his request and in his presence and in the presence of each other, have signed our names as witnesses thereto, believing him to be of sound mind and memory at the time of signing.

Marjorie Nelson residing at Pontiac, IL 61764

Ronald K. Feltman residing at Pontiac, IL 61764

Carol Shepherd residing at Switz, IL 60420

STATE OF ILLINOIS :
: SS.
LIVINGSTON COUNTY :

We, the undersigned witnesses whose names are signed to the foregoing instrument, and being first duly sworn, do hereby declare that the testator, in our presence, signed the instrument as a codicil to his Will and that he signed willingly; and that we, in his presence and in the presence of each other, signed the codicil as a witness and to the best of our knowledge the testator was at that time of legal age, of sound mind and under no undue influence.

Marjorie Nelson
Ronald K. Feltman

Signed and sworn to before me this 29th day of June, 1987.

FILED IN CIRCUIT COURT
OF LIVINGSTON COUNTY, ILLINOIS

Charles J. Sisk
Notary Public

MAR 10 1988

John H. Kelley

88P44